

## THIRTY-NINTH DAY.

SENATE CHAMBER, {  
AUSTIN, March 2, 1874. }

Senate met pursuant to adjournment. Roll called; quorum present.

Prayer by the Rev. Mr. Hillyer, Chaplain of the House.

On motion of Senator Ireland, the reading of the journal of Friday was dispensed with.

Senator Camp stated that Senator Baker was suddenly called off on Saturday, and asked that he be excused until next Wednesday. Granted.

Senator Westfall asked that John W. Lane, first assistant secretary of the Senate, be excused till Wednesday next. Granted.

Senator Russell presented the following as an amendment to the address in the case of Judge Maney:

*To his Excellency Richard Coke, Governor of the State of Texas:*

The Senate of the State of Texas, the House of Representatives concurring therein, do address your Excellency, and make known that in the address heretofore presented for the removal of Henry Maney, judge of the Twenty-second Judicial District, there is a clerical mistake in the second line of the fourth clause, as to the date, which now reads, "July, 1872," when it should read "July, 1873," and they ask that the correction be made.

The amendment was read, ordered spread on the journals of the Senate, and sent to the House.

Senator Westfall presented "the affidavit of C. A. Woolridge, of Lampasas county, in regard to the names of certain petitioners." Read and referred to the Committee on Counties and County Boundaries.

Senator Randle asked that Senator Flanagan be excused for the day. Granted.

Senator Randle, chairman Committee on Engrossed bills, submitted the following reports:

*Hon. R. B. Hubbard, President of the Senate:*

Your Committee on Engrossed Bills beg leave to report that they have carefully examined and compared Senate bill No. 30, "An act concerning landlords and tenants," and find the same correctly engrossed.

ED. RANDLE, Chairman.

*Hon. R. B. Hubbard, President of the Senate:*

Your Committee on Engrossed Bills beg leave to report that they have carefully examined and compared Senate bill No. 93, "An act to encourage stockraising, and for the protection of stockraisers," and find the same correctly engrossed.

ED. RANDLE, Chairman.

A message from the House was received, announcing the passage of the following bills: House bill No. 10, "An act to encour-

age stockraising and for the protection of stockraisers;" House bill No. 214, "An act to provide money to pay the floating indebtedness of the State;" House joint resolution No. 19, "declaring the second day of March and the twenty-first day of April as legal holidays;" Senate bill No. 137, "An act making an appropriation to pay contingent expenses of Department of State."

Senator Westfall introduced a bill entitled "An act for the relief of parties, purchasers of Austin city lots, against whom forfeitures accrued during the time of their active service in the army of the Republic of Texas." Read first time and referred to Judiciary Committee.

Senator Davenport introduced a bill entitled "An act to create a department of agriculture for the State of Texas." Read first time and referred to Committee on Agriculture.

Senator Swift introduced a bill, entitled "An act to repeal 'An act requiring justices of the peace to tax a jury fee of three dollars in each criminal case held before them, and to allow fees to jurors in such cases,' approved August 11, 1870." Read first time and referred to Judiciary Committee.

Senator Swift introduced a bill, entitled "An act to amend an act approved December 1, 1871, entitled 'An act to amend section thirty-four of an act to organize the courts of the justices of the peace, and to define their jurisdiction and duties,' approved August 13, 1870." Read first time and referred to the Judiciary Committee.

Senator Erath introduced a bill, entitled "An act to validate the official acts of R. W. Davis, as notary public of McLennan county." Read first time and referred to the Committee on State Affairs.

Senator Ireland introduced a bill entitled "An act to provide for the removal from office of district attorneys, county treasurers and county surveyors." Read first time and referred to Judiciary Committee.

Senator Ireland introduced a bill, entitled "An act to amend article 703 of the Penal Code." Read first time and referred to Judiciary Committee.

Senator Ireland introduced a bill, "An act to fix the fee of district clerks in certain cases." Read first time and referred to Judiciary Committee.

Senator Wood presented the following resolution:

*Resolved by the Senate,* That the President of the Senate is hereby authorized to employ Capt. E. G. Dill, stenographer, for the purpose of writing down the evidence taken before the Senate as a high court of impeachment, in the case of Judge William Chambers, or for any other service that the President of the Senate may require of said Dill, and that for such services

said Dill, be allowed the sum of nine dollars *per diem*, and his actual expenses in coming from the city of New Orleans to Austin; and that the President of the Senate shall certify to the amount due said Dill under this resolution.

Adopted.

Senator Wood introduced a bill entitled "An act to make an appropriation to complete the building of the Agricultural and Mechanical College of Texas." Read and referred to the Committee on Education.

Senator Dillard introduced a bill entitled "An act to authorize and requiring the Secretary of State to furnish counties with the reports of the Supreme Court in certain cases." Read and referred to the Judiciary Committee.

Senator Burton introduced a bill entitled "An act to amend an act entitled 'An act to amend the first and fourth sections of an act to reduce into one and amend the several acts concerning executions,' approved January 27, 1842; approved June 4, 1873." Read and referred to Judiciary Committee.

Senator Trolinger introduced a bill, entitled "An act to incorporate the Texas Medical Manufacturing Company." Read first time and referred to Committee on State Affairs.

Senator Trolinger offered the following resolution:

*Resolved*, That hereafter the Senate shall meet at 9 o'clock A. M., each day.

Laid over under the rules.

Senator Allison introduced a bill, entitled "An act to regulate the redemption of real estate sold for taxes, or by virtue of execution, in this State." Read first time and referred to Judiciary Committee.

Senator Burton introduced a bill, entitled "An act to amend an act entitled 'An act to amend article 766 of the Penal Code.'" Read first time and referred to Judiciary Committee.

The unfinished business being the consideration of Senate bill No. 152, "An act to repeal all laws empowering counties, cities and towns to levy taxes for the purpose of making donations to railroads and other corporations." The question on adjournment, on Friday last, being on the motion of Senator Flanagan, "to indefinitely postpone said bill," Senator Ellis for Senator Flanagan, who was absent, withdrew said motion.

Senator Hobby offered a substitute.

The title of the substitute is, "An act to authorize counties to aid in the construction of railroads and other works of internal improvements by taking stock in the same."

Senator Ellis offered Senate bill No. 168, "An act to provide for the registration of voters, and to repeal 'An act to provide for a special registration of voters,'" approved May 31, 1871, approved April 29, 1873, as a

substitute to the substituted offered by Senator Hobby, and also for the original bill.

Senator Ireland moved to postpone the further consideration of the pending matter to take up House joint resolution No. 19, "declaring the second day of March and the twenty-first day of April as legal holidays." Carried.

House joint resolution taken up and read first time.

On motion of Senator Ireland, the rules were suspended, resolution read second time and passed to third reading.

On motion of Senator Russell, the rules were further suspended, resolution read third time and passed by the following vote:

Yeas—Senators Allison, Ball, Bradley, Burton, Camp, Davenport, Dillard, Dwyer, Ellis, Erath, Friend, Hobby, Ireland, Ledbetter, Moore, Parker, Randle, Russell, Stirman, Swift, Westfall and Wood—22.

Nays—Senator Trolinger—1.

A message from the Governor was received.

The question recurring on the adoption of the substitute offered by Senator Ellis, it was lost.

The question then recurring on the adoption of the substitute offered by Senator Hobby, it was adopted by the following vote:

Yeas—Senators Bradley, Burton, Camp, Davenport, Dwyer, Ellis, Erath, Friend, Hobby, Ireland, Ledbetter, Moore, Parker, Randle, Westfall and Wood—16.

Nays—Senators Allison, Ball, Dillard, Stirman, Swift and Trolinger—6.

Senator Ireland offered the following amendment: Provided such subscription shall not be subject to forced sale; nor shall the title of such county to such subscription ever be divested. Adopted.

The substitute, as amended, was then ordered engrossed.

On motion of Senator Dwyer, the rules were suspended, the substitute read third time and passed by the following vote:

Yeas—Senators Bradley, Burton, Davenport, Dwyer, Ellis, Erath, Friend, Hobby, Ireland, Ledbetter, Moore, Randle, Russell, Swift, Westfall and Wood—16.

Nays—Senators Allison, Ball, Camp, Dillard, Parker, Stirman and Trolinger—7.

On motion of Senator Dillard, the Senate resolved itself into a high court of impeachment, for the trial of Judge Chambers, of the First Judicial District.

IN COURT.

Senators Ledbetter, Trolinger, Wood, Bradley and Burton not having qualified heretofore, were sworn in the case under trial.

Senator Dillard moved that the President notify the board of managers of the House that the Senate is now sitting as a high

court of impeachment in the case of Judge Chambers, of the First Judicial District. Carried.

The President instructed the secretary of the Senate to inform the board of Managers of the House of the fact that the Senate is now sitting as a high court of impeachment in the case of Judge Chambers, of the First Judicial District.

Senator Ireland moved a recess of fifteen minutes, in order to make the necessary arrangements to receive the board of managers, etc. Carried.

At the expiration of the time, the President called the Senate to order. Roll called; quorum present.

The sergeant-at-arms announced the board of managers from the House, in the case of Judge Chambers, of the First Judicial District, consisting of Messrs. Simpson, Epperson, Farrar, Delany and O'Neal. They were admitted within the bar of the Senate and seated.

On motion of Senator Dillard, the respondent, Judge Chambers, who was present, was invited to a seat within the bar of the Senate.

The President announced that Lucien Beck, the special sergeant-at-arms, who was sent to serve citation on Judge Chambers, had, as yet, made no return of his action in said case.

Senator Ireland stated that he supposed it would be competent for the respondent, who was present, to answer whether any citation had been served on him to appear before the Senate.

The respondent desired to know whether the court had the authority to make the inquiry, and force him to answer.

The President stated that the court did not propose to force the respondent to answer, but left it optionary with him to answer or no.

The respondent stated that when the sergeant-at-arms made his return, with an endorsement that he had summoned the said respondent, then he (the respondent) would answer "ready for trial."

On motion of Senator Ireland, the President of the Senate was requested to telegraph to Lucien Beck, the special sergeant-at-arms, to appear here immediately.

Mr. Epperson, of the board of managers, moved "that *alias* process shall issue to the defendant, and that he be duly cited to appear and answer immediately." Adopted by the following vote:

Yeas—Senators Allison, Ball, Bradley, Burton, Camp, Davenport, Dillard, Dwyer, Ellis, Erath, Friend, Hobby, Ireland, Ledbetter, Moore, Parker, Randle, Russell, Stirman, Swift, Trolinger, Westfall and Wood—23.

Nays—None.

On motion of Senator Ireland, the high

court of impeachment adjourned till 12 o'clock A. M. to-morrow.

IN SENATE.

Under the resolution adopted this morning, employing a stenographer to take down testimony in the case of Judge Chambers, etc., the President appointed Captain E. G. Dill.

On motion of Senator Wood, the Senate adjourned to 10 o'clock A. M. to-morrow.

#### FORTIETH DAY.

SENATE CHAMBER,  
AUSTIN, March 3, 1874.

Senate met pursuant to adjournment. Roll called; quorum present.

Prayer by the chaplain.

On motion of Senator Ball, the reading of the journal of yesterday was dispensed with.

Senator Friend presented the memorial of citizens of San Patricio county. Read and referred to Committee on Roads, Bridges and Ferries.

Senator Ireland, chairman of Judiciary Committee, submitted the following reports:

*Hon. R. B. Hubbard, President of the Senate:*

Your Committee on Judiciary, to whom was referred Senate bill No. 192, "An act to validate assessments made by assistant assessors," instruct me to report the same back to the Senate, and recommend that it do pass.

IRELAND, Chairman.

*Hon. R. B. Hubbard, President of the Senate:*

Your Judiciary Committee, to whom was referred Senate bill No. 189, "An act to authorize justices of the peace to employ assistant assessors in certain cases," respectfully report the same back and recommend its passage.

IRELAND, Chairman.

*Hon. R. B. Hubbard, President of the Senate:*

Your Judiciary Committee, to whom was referred House bill No. 4, "An act to fix the venue in certain cases," instruct me to report it back with the following amendments: Amend by inserting in line three, after the word "corporation," the words "including railroad companies;" and amend by striking out all of section two after the word "agent;" and recommend its passage, as amended.

IRELAND, Chairman.

*Hon. R. B. Hubbard, President of the Senate:*

Your Judiciary Committee, to whom was referred Senate bill No. 87, "An act to refund the one per cent. school tax," have had the same under consideration, and, in the opinion of the committee, said bill ought not now to pass.

The whole question is yet before the courts, and if it should ultimately be de-